

Message Text

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PAGE 01 MANILA 07382 300141Z

72

ACTION EA-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-03 H-02 EB-07 CIAE-00

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R 291000Z MAY 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3941

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E O 11652: N/A

TAGS: EGEN, ECON, RP, US

SUBJ: PRESIDENTIAL DECREE ON RESIDENTIAL LAND OWNERSHIP BY U.S.
CITIZENS

REF: A) MANILA 6982; B) MANILA 7026

1. PRESS REPORTED THAT PRESIDENT MARCOS SIGNED MAY 28 AN UNNUMBERED DECREE WHICH PROVIDED FOR OWNERSHIP OF RESIDENTIAL LAND BY U.S. CITIZENS. THE DECREE REPORTEDLY PROVIDED THAT U.S. CITIZENS WHO WERE FORMERLY PHILIPPINE CITIZENS OR WHO HAVE RESIDED IN THE PHILIPPINES CONTINUOUSLY FOR AT LEAST 20 YEARS, AND WHO IN GOOD FAITH HAD ACQUIRED LANDS IN THE PHILIPPINES NOT EXCEEDING 5,00 SQUARE METERS FOR A FAMILY DWELLING BEFORE THE EXPIRATION OF THE LAUREL-LANGLEY AGREEMENT MAY CONTINUE TO HOLD SUCH LANDS AND TO TRANSFER OWNERSHIP OVER SUCH LANDS TO QUALIFIED PERSONS OR ENTITIES. THE DECREE ALSO GRANTED THE SAME RIGHT TO HOLD RESIDENTIAL LAND TO U.S. CITIZENS WHO BECOME QUOTE PERMANENT RESIDENTS UNQUOTE OF THE PHILIPPINES.

2. THE DECREE FINESSED THE QUASHA DOCTRINE UNDER WHICH THE SUPREME COURT IN 1972 RULED THAT THE PARITY RIGHTS DID NOT INCLUDE THE RIGHT TO ACQUIRE AND OWN PRIVATE LAND EXCEPT IN CASE OF HEREDITARY SUCCESSION. THE DECREE STATED THAT ACQUISITION OF PRIVATE LANDS PRIOR TO THE QUASHA
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PAGE 02 MANILA 07382 300141Z

DECISION MAY BE CONSIDERED ACQUISITIONS IN GOOD FAITH.

QUOTE JUSTICE, UNQUOTE PRESIDENT MARCOS SAID AS HE ISSUED THE
DECREE, QUOTE REQUIRES THAT THE GOVERNMENT SHOULD TREAT THESE
AMERICAN OLDTIMERS AND THESE FORMER FILIPINO CITIZENS WITH
SPECIAL CONSIDERATION AND COMPASSION. UNQUOTE

3. WE HAVE BEEN TRYING TO OBTAIN THE TEXT OF THE DECREE
WHICH, AS IS THE PRACTICE, WILL NOT LIKELY BE AVAILABLE
UNTIL EARLY NEXT WEEK. WHILE THE ABOVE IS BASED ON NEWS
ACCOUNTS, SOME OF WHICH GAVE INCOMPLETE QUOTATIONS FROM THE
DECREE, THE MAIN OUTLINED OF THE DECREE COINCIDE WITH WHAT
COULD HAVE BEEN EXPECTED FROM THE GOP. ONE MAJOR TASK NOW
IS TO DEFINE QUOTE PERMANENT RESIDENTS, UNQUOTE AND THE
EMBASSY WILL BE DISCUSSING THIS POINT WITH THE GOP, SPECIFICALLY
SECRETARY OF JUSTICE VICENTE ABAD SANTOS.
PURNELL

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Margaret P. Grafeld
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